

MINUTE ITEM
This Calendar Item No. C35
was approved as Minute Item
No. 35 by the State Lands
Commission by a vote of 3
to 0 at its 2-5-01
meeting

CALENDAR ITEM
C35

A 4
S 1

02/05/01
PRC 7992.9
N. Lee

**TERMINATION AND ISSUANCE OF
RECREATIONAL PIER LEASE**

APPLICANT:

Thomas Kessler McManus, Jr. and
Janet Moore McManus
4037 Natasha Drive
Lafayette, CA 94549

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near South Lake Tahoe, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of one mooring buoy as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning August 24, 1998.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than \$300,000.

Other:

This lease is conditioned on Lessee obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoy within two years from the effective date of the authorization of the buoy by the Commission.

OTHER PERTINENT INFORMATION:

1. On November 7, 1997, the Commission authorized a Recreational Pier Lease with Mark D. Davis and Susan P. Davis. That lease will expire on

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September 30, 2007. On August 24, 1998, Mark D. Davis and Susan P. Davis deeded the littoral land to Thomas Kessler McManus, Jr. and Janet Moore McManus. The Applicants qualify for a Recreational Pier Lease because the Applicants are natural persons who have improved the littoral land with, and only use the upland for, a single-family residence. Thomas Kessler McManus, Jr. and Janet Moore McManus are now applying for a new Recreational Pier Lease. This Calendar Item will terminate a Recreational Pier Lease that was issued to Mark D. Davis and Susan P. Davis for an existing buoy and installation of a second buoy and issue a new Recreational Pier Lease to Thomas Kessler McManus, Jr. and Janet Moore McManus for the existing buoy, effective August 24, 1998.

2. **Termination of existing lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

3. **Issuance of new lease (one mooring buoy):** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

FURTHER APPROVALS REQUIRED:

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Buoy: Tahoe Regional Planning Agency

EXHIBIT:

A. Location and site map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING LEASE: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF NEW LEASE (ONE MOORING BUOY): FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE TERMINATION OF RECREATIONAL PIER LEASE PRC 7992.9, EFFECTIVE OCTOBER 1, 1997, ISSUED TO MARK D. DAVIS AND SUSAN P. DAVIS AND APPROVED BY THE COMMISSION ON NOVEMBER 7, 1997.

AUTHORIZE ISSUANCE TO THOMAS KESSLER MCMANUS, JR. AND JANET MOORE MCMANUS OF A TEN-YEAR RECREATIONAL PIER

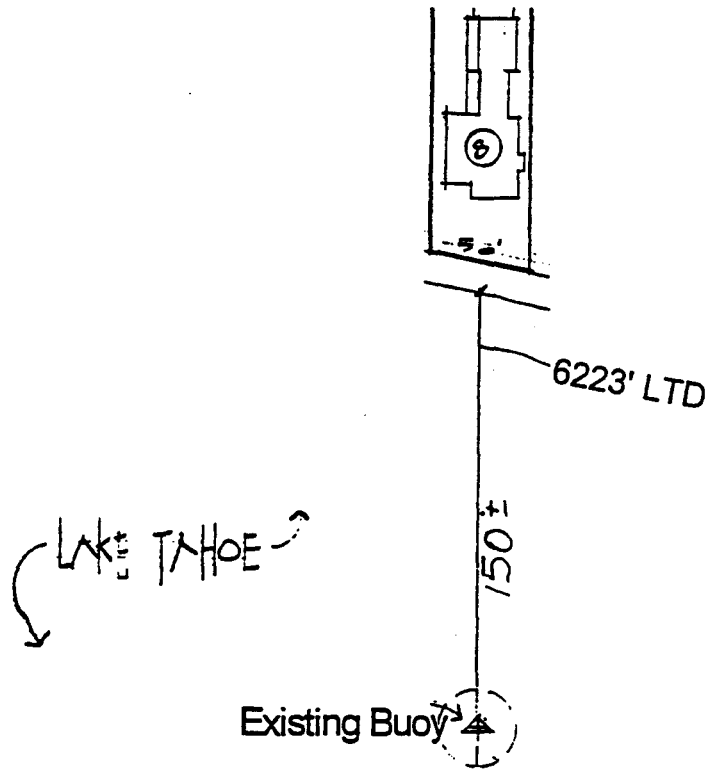
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LEASE PRC 7992.9, BEGINNING AUGUST 24, 1998, FOR CONTINUED USE AND MAINTENANCE OF ONE BUOY ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$300,000.

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NO SCALE

SITE MAP



NO SCALE

LOCATION MAP

Lake Tahoe
SITE

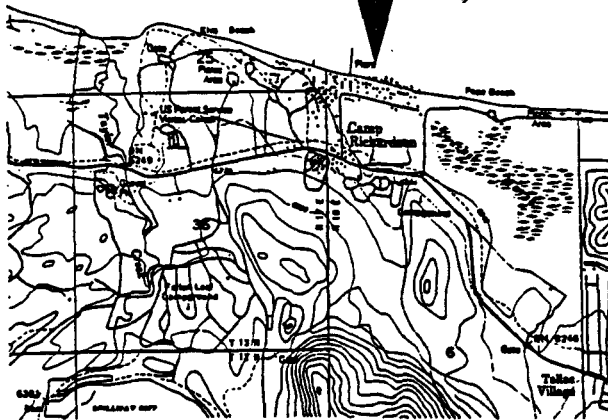
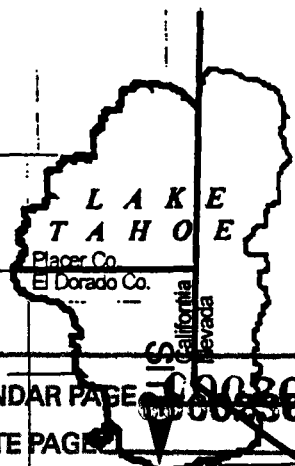


Exhibit A
W7992
APN 032-120-081
Lake Tahoe
EL DORADO CO.



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

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